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STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S
SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR DICASAGRANDE
WINPAC FOR WALTER

E.O. 12958: N/A
TAGS: [PARM](#) [PREL](#) [CWC](#)
SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): U.S. SUBMITS
REQUEST TO EXTEND STOCKPILE DESTRUCTION DEADLINE

This is CWC-33-06.

SUMMARY

1. (U) U.S. presented its extension request for the maximum allowable extension of the deadline for finishing destruction of 100% of its chemical weapons (CW) stockpile to the OPCW Executive Council this week. Del made it clear that the U.S. remains committed to complete elimination of its CW stockpile, and will strive to complete destruction by the treaty deadline of April 29, 2012, or as soon as feasible thereafter. Formal request submission was followed by a detailed program briefing, presented by Deputy Assistant Secretary of the Army for Elimination of Chemical Weapons

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Dale Ormond. U.S. del notified key delegations and members of the Technical Secretariat prior to the briefing, and gave delegations the opportunity to ask questions and provide initial feedback at several informal sessions. In general, member states welcomed U.S. transparency, but were clearly concerned about eventual legal and political implications for the Convention. The availability of a program expert to address questions was invaluable, and will also be critical at the next Executive Council meeting in mid-May. End Summary.

ADVANCE CONSULTATIONS

2. (U) U.S. delegation scheduled meetings with key delegations and TS staff in advance of the formal extension request submission and briefing. Del first met with the Director General and Deputy Director General on 18 April to discuss not only the extension request, but also press coverage of the SECDEF's letters of notification to Congress. DG Pfirter urged strongly that the U.S. not categorically state its inability to meet the extended 2012 deadline, and clearly caveat numbers provided as projections. Pfirter stressed that a message along these lines would give him the

political latitude to acknowledge U.S. commitment to the Convention.

¶3. (U) Drawing on general talking points in del's instructions, Ambassador Javits explained the extension request, reassured delegations of continued U.S. commitment to the Convention, and introduced Dale Ormond, Deputy Assistant Secretary of the Army for Elimination of Chemical Weapons (DASA/ECW). Reaction from the close allies in the advance sessions was predictable; France and Germany encouraged the U.S. to soften its message about potential inability to meet the 2012 deadline, while the UK was surprisingly supportive, and shared its thoughts on ways to counter criticism of U.S. efforts. Germany in particular emphasized the difficulty the U.S. would likely experience from now on in advancing initiatives outside of CW destruction, and potential damage to the credibility of the Convention.

¶4. (U) EC Chairs/Vice-Chairs, as well as regional group coordinators, were generally supportive of U.S. transparency, and looked forward to further information provided in the briefing. Iran noted there would clearly be legal, as well as political, implications for extending the deadline beyond ¶2012. (In earlier discussions, Iran also raised the possibility of amending the Convention, and of addressing the subject during the 2008 Revcon if not sooner. Iranian del also implied the U.S. was saving its most usable weapons for the end of its destruction schedule; U.S. del corrected this notion of a "secret stockpile.") Possessor states also welcomed U.S. transparency, but showed a keen interest in how much of the stockpile would remain at 2012, and when the U.S. anticipated completing destruction. Russia expressed an understanding for the U.S. situation, but also clearly noted that this would likely be very damaging to the Convention. States Parties also inquired about the reasoning behind such an early announcement of potential non-compliance; U.S. reps

explained the mandated notification of Congress, and the public disclosure of accompanying information.

¶5. (U) Senior Secretariat staff also welcomed U.S. transparency, and stated that the U.S. message was not surprising, but encouraged continued transparency, especially in light of TS need to accurately project resources necessary in future years of U.S. destruction facilities. Amb. Onate, TS Legal Advisor, pointed out that although the CWC only

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legally addresses destruction through 2012, it does provide a "way out" through Article XV (Amendments to the Convention), although he later made clear he was not advocating this approach. Ambassador Javits replied that it is premature to consider amending the Convention, with the U.S. still in compliance until 2012.

¶6. (U) U.S. delegation met with WEOG member states just prior to presenting the detailed briefing. WEOG states were generally very appreciative of U.S. transparency. The Netherlands, Sweden and New Zealand all voiced concerns about the U.S. destruction program extending beyond 2012, and New Zealand thought a treaty amendment might be needed. France and Germany stressed that the U.S. was providing projections, and that it was thus premature to draw conclusions. UK expressed an understanding of challenges the U.S. faced, and a disappointment in its slower-than-expected progress, but emphasized that the extension request was within the CWC's terms (by clearly requesting the maximum allowable extension under the Convention), and echoed the sentiment that drawing conclusions about other measures now would be premature. Italy also expressed concerns about the potential impact of U.S. actions on the Russian destruction program. Australia questioned the wisdom of revealing "projections" so far in advance of the deadline, after which U.S. del clearly explained Congressional notification requirements and public disclosure of program information. Finally, Ireland welcomed the strong U.S. political commitment and transparency, and inquired as to whether any part of current or projected

delays could be attributed to insufficient resources. U.S. del also met briefly with the Eastern European Group (EEG), but due to limited time, was only able to deliver general talking points and introduce DASA Ormond. EEG Chair Bulgaria encouraged member states to support the U.S. request.

U.S. EXTENSION REQUEST BRIEFING

¶17. (U) Detailed U.S. presentation on the status of the U.S. chemical weapons destruction program and the challenges we face, given by DASA Ormond, was well received. Few delegations had questions following the briefing, although Russia asked about "legal implications" of the extension request, and South Africa expressed concern (and some confusion) at the presentation of various challenges posed by CW stockpile destruction. In a later meeting, South African Ambassador Mkhize (who will assume the role of EC Chair in May) expressed her concern that the U.S. had undermined its traditional leading role in the organization, citing previous examples where the U.S. had been instrumental in furthering progress or achieving consensus (e.g. Article VII). South Africa also noted that while generally one would expect faster progress as the U.S. gained more experience with CW destruction, the opposite seemed to be occurring. Finally, Amb. Mkhize pointed to the value of having objective standards, such as deadlines, in assessing performance of states, and the difficulty in trying to apply subjective standards.

INITIAL FEEDBACK

¶18. (U) U.S. del held an open-ended, informal question and answer session on April 21, 2006. Session was attended by France, Australia, Sweden and Russia. Only France came prepared with questions; French reps had clearly studied the table the U.S. provided in the extension request, and asked

for clarification on several instances where processing rates changed dramatically from year to year at certain sites. Ormond explained that the differences were due to changes between types of munitions being processed, changeovers from munitions to bulk agent, and other technical processing details. France also requested further information on reasons for delay in construction of the final two facilities and asked several pointed questions about current processing rates, and how the U.S. planned to increase these rates in future years.

¶19. (U) In a follow-on bilat, Russia's deputy rep said that the U.S. request does not meet the requirement to provide a detailed plan for complete destruction during the extension period. U.S. rep responded that the U.S. request does in fact meet the requirement to provide detail on planned destruction activities during the requested extension period.

Russian del rep inquired as to how a decision could possibly be taken on an extension request to 2012 that was accompanied by projections indicating completion of destruction in 2017. He actually suggested that the only legally correct approach would be for the U.S. to submit a "plan" under which all U.S. stocks are destroyed by the 2012 deadline; whether or not it was realistic was not important. U.S. del rejected this scheme to submit different plans to the Congress and to the OPCW. Russian rep said that the Russian National Authority was probably quite relieved at the U.S. presentation, and would no longer feel pressure for Russia to complete its CW destruction in accordance with Convention timelines. Finally, Russian del implied that Russia would be unable to approve the current U.S. request. Russia also confirmed its intent to submit its updated (20-page) detailed plan for destruction on Monday, which del will forward upon receipt.

COMMENT

¶10. (SBU) Extensive series of "preview" sessions with key players before the formal presentation was effective in setting the stage for the detailed U.S. briefing to Executive Council members. While clearly concerned that the U.S. is unlikely to meet an extended 2012 deadline, many dels expressed appreciation for the transparency displayed by the U.S. presentation and the U.S. commitment to destruction.

¶11. (SBU) Not surprisingly, many dels, particularly in the WEOG, have latched on to the idea that the projected destruction levels in the U.S. paper "are just projections" and noted our statements that the U.S. will try hard to accelerate its destruction activities to meet the 2012 deadline, conveniently ignoring the "or if this is not possible, to complete destruction as soon thereafter as feasible." We will need to be very careful not to mislead dels into believing that the 2012 deadline can be met. Intellectually, many recognize that it cannot, but emotionally, they have not accepted this.

¶12. (SBU) A common informal reaction is that a treaty amendment needs to be considered. If not now, then perhaps at the 2008 Review Conference. Del has responded that discussion of changing the 2012 deadline now is premature, but we can expect that the perceived need to "do something" will persist.

¶13. (SBU) While the paucity of immediate questions from delegations is somewhat surprising, we can expect much more active discussion as soon as dels receive instructions from capitals. In particular, we need to be prepared for probing questions at the mid-May Executive Council meeting. Del strongly recommends that a senior DOD policy official attend to make clear the U.S. commitment to complete destruction as soon as possible, and that DASA/ECW Ormond present a streamlined version of the briefing and answer additional program questions delegations may have.

¶14. (SBU) The Russian del argument that the U.S. request is not legal because it does not meet Convention requirements is

most likely only a local invention and not based on any instructions. While we believe this argument is unlikely to gain much traction, the Iranians and a few others may latch onto so-called "legal" arguments to create mischief. Del will need to be well-armed with appropriate talking points to rebut these arguments.

¶15. (U) Javits sends.
ARNALL